

## The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

SUSAN SOTO PALMER, et. al.,

*Plaintiffs,*

V.

STEVEN HOBBS, et. al.,

### *Defendants,*

and

JOSE TREVINO, ISMAEL CAMPOS,  
and ALEX YBARRA,

### *Intervenor-Defendants.*

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

## **PLAINTIFFS' RESPONSE TO STATE OF WASHINGTON'S STATUS REPORT**

Plaintiffs respectfully submit this response to State of Washington’s Status Report to this Court, Dkt. 225, and Non-Party Legislators’ Statement in Response to Court Order, Dkt. 227. Plaintiffs agree that the Court ought to “allow[] legislative efforts to continue for the full period originally allotted by the Court’s decision in this case.” Dkt. 227 at 4. However, in light of the State of Washington’s contention that the Commission is unlikely to be reconvened, Plaintiffs propose that the parties proceed with a dual-track approach.

Plaintiffs propose that the Court continue to provide the Legislature its allotted time to reconvene the Commission should doing so become politically feasible. However, rather than waiting for that time to elapse before accepting alternative remedial proposals, Plaintiffs propose

1 that the Court set earlier deadlines for both the parties and interested nonparties to file their  
 2 proposals in the interim. This will ensure that the Court has alternative remedial proposals in hand  
 3 and ready for its consideration by January 8, 2024 should the Legislature fail to reconvene the  
 4 Commission and/or transmit an approved map by that deadline.<sup>1</sup>

5 Accordingly, Plaintiffs propose the following amended schedule for the parties to file  
 6 alternative remedial submissions:

7 December 1, 2023: Deadline for parties and non-parties, including amici curiae, to  
 8 submit remedial proposals,<sup>2</sup> supporting memoranda, and exhibits  
 9 (including expert reports)

10 December 22, 2023: Deadline for parties and non-parties, including amici curiae, to  
 11 submit briefs and rebuttal expert reports in response to remedial  
 12 proposals

13 January 5, 2024: Deadline for parties and non-parties, including amici curiae, to  
 14 submit replies to the responsive briefs and sur-rebuttal expert reports

15 Regarding the State's suggestion to appoint a special master, Plaintiffs believe that doing  
 16 so is not necessary for the Court to select an appropriate remedy in this matter. As the Court  
 17 envisioned in its Memorandum Opinion, if the Legislature fails to reconvene the Commission, the  
 18 Court can consider and select from the parties' alternative remedial submissions, which will

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20 <sup>1</sup> In the instance that the Legislature does reconvene the Commission and transmit an approved  
 21 map by the January 8, 2024 deadline, Plaintiffs request that the parties be given 14 days to respond  
 22 with memoranda and exhibits, including expert reports, regarding the legality of that map and  
 23 whether it remedies the VRA violation.

24 <sup>2</sup> So that the parties, nonparties, their experts and the Court can adequately review and analyze the  
 25 remedial proposals, each remedial proposal shall include with the filing the following: zoomable  
 26 pdf of the map boundaries that includes important roadway and geographic markers as well as  
 voting precinct boundaries. The filing shall also include demographic data, including total  
 population per district and race by district of total population and citizen voting age population.  
 Contemporaneous with the filing, all counsel of record shall be provided shapefiles, a comma  
 separated value file, or an equivalent file that is sufficient to load the proposed plan into commonly  
 available mapping software.

1 include additional expert analysis and “supporting memoranda and exhibits for the Court’s  
 2 consideration.” Dkt. 218 at 32. The Court also has the benefit of a trial record that includes  
 3 exhaustive analysis of several potential remedial districts. Unlike *Singleton*, this case involves a  
 4 single state legislative district and does not require the sort of judicial line-drawing across the state  
 5 that might necessitate a special master. Nevertheless, if the Court intends to appoint a special  
 6 master, Plaintiffs request that they be given an opportunity to propose appropriate experts for the  
 7 Court to consider and that the Court consider engaging a special master only to assist in the  
 8 assessment of proposed plans. If the special master is ordered to go beyond assisting the Court in  
 9 evaluating plans, and also to prepare plans for the Court’s adoption, Plaintiffs request that they be  
 10 given an opportunity to comment on those plans prior to the Court’s entering of a final remedial  
 11 order.

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 13 Dated: October 3, 2023  
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15 By: /s/ Edwardo Morfin

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## **CERTIFICATE OF SERVICE**

I certify that all counsel of record were served a copy of the foregoing this 3rd day of October, 2023 via the Court's CM/ECF system.

/s/ Edwardo Morfin

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